

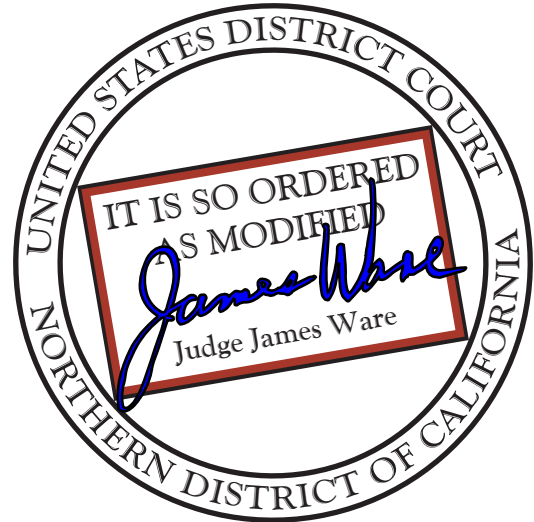
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(additional counsel listed on signature pages)

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**



In Re Affymetrix ) Case No. C 06-5353 JW  
 Derivative Litigation )

\_\_\_\_\_  
 This Document Relates To:  
 ALL ACTIONS  
 \_\_\_\_\_

**STIPULATION AND [PROPOSED]  
 ORDER EXTENDING TIME FOR  
 RESPONDING TO COMPLAINT**

**STIPULATION**

Whereas, on March 31, 2008 this Court granted in part and denied in part Defendants' motion to dismiss the Verified Amended Consolidated Shareholder Derivative Complaint with leave to amend, ordered that Plaintiffs shall file an amended complaint on or before May 1, 2008, and scheduled a case management conference for June 2, 2008 at 10 a.m.;

Whereas, on April 18, 2008, Plaintiffs filed a Verified Second Amended Consolidated Shareholder Derivative Complaint; and

Whereas, Defendants currently have until May 5, 2008 to file a responsive pleading or otherwise respond.

IT IS HEREBY STIPULATED by and between the undersigned as follows:

Defendants shall answer or otherwise respond to the Verified Second Amended Complaint no later than **May 15, 2008**. In the event that Defendants file and serve a motion to dismiss directed at the Verified Second Amended Complaint, Lead Plaintiffs shall have until **June 9, 2008** to oppose, and Defendants shall have until **June 16, 2008** to reply. A hearing on such motion(s) shall be held on **June 30, 2008 at 9 a.m.**

Dated: April 30, 2008

DAVIS POLK & WARDWELL

By: /s/

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Dated: April 30, 2008

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1 -----and-----

2 Dated: April 30, 2008

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9 Dated: April 30, 2008

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16 ATTESTATION PURSUANT TO GENERAL ORDER 45

17 I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained  
18 from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.  
19 Executed on this 30th day of April, 2008, at Menlo Park, California.

20 /s/ Arthur J. Burke  
Arthur J. Burke

22 **ORDER**

23 In addition to the dates modified above, the Court also continues the Case Management  
24 Conference presently scheduled for June 2, 2008 to **June 30, 2008 at 10 a.m.** to coincide with  
the hearing on Defendants' anticipated Motion to Dismiss.

25 DATED: May 2, 2008

26   
JUDGE JAMES WARE